

1 Michael J. McCue
Nevada Bar No.: 6055
2 Meng Zhong
Nevada Bar No.: 12145
3 Lewis Roca Rothgerber Christie LLP
3993 Howard Hughes Pkwy., Suite 600
4 Las Vegas, NV 89169
Tel.: (702) 949-8200
5 E-mail: mmccue@lrrc.com
E-mail: mzhong@lrrc.com

6 *Attorneys for Defendant SuccessfulMatch.com*
7 *and Jason Du*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 REFLEX MEDIA, INC., a Nevada
11 corporation; and CLOVER8 INVESTMENTS
12 PTD.LTD., a Singapore corporation,

13 Plaintiffs,

14 v.

15 SUCCESSFULMATCH.COM, a California
corporation; JASON DU, an individual;
16 DIANNE ELIZABETH MURRY, an
individual; SONG DONGLIN, an individual;
17 TOM FU, an individual; WANG YU, an
individual; JESSICA ZHANG, an individual;
PHOEBE WI, an individual; LUCY LIU, an
individual; and DOE NO. 1,

18 Defendants.

Case No.: 2:18-cv-00259-GMN-GWF

**STIPULATION AND ORDER TO
STAY DISCOVERY PENDING
RULING ON MOTION TO DISMISS**

19
20 Plaintiffs REFLEX MEDIA, INC. and CLOVER8 INVESTMENTS PTD. LTD
21 (“Plaintiffs”) and Defendants SUCCESSFULMATCH.COM and JASON DU (“Defendants”)
22 state the following:

- 23 1. The Complaint was filed on February 12, 2018 (ECF No. 1);
24 2. Defendant SuccessfulMatch.com waived service of the Summons and Complaint
25 on May 10, 2018 (ECF No. 18);
26 3. Defendant Jason Du waived service of the Summons and Complaint on May 10,
27 2018 (ECF No. 17);

28 ///

4. Defendants filed their Motion to Dismiss on July 9, 2018 (ECF No. 23);

5. Plaintiffs filed their Opposition to Defendants’ Motion to Dismiss on August 6, 2018 (ECF No. 29);

6. Defendants submitted a reply in support of Defendants’ Motion to Dismiss on August 13, 2018 (ECF No. 31);

7. The Motion to Dismiss is fully briefed and awaiting decision;

8. The Motion to Dismiss addresses certain threshold questions of law regarding personal jurisdiction of this Court over SuccessfulMatch.com and Jason Du based on the allegations in the Complaint;

9. The briefing for the Motion to Dismiss does not seek discovery to resolve any factual issues;

10. The Parties wish to avoid spending their respective limited resources on discovery pending the outcome of a motion addressing a threshold issue of law regarding jurisdiction;

11. In the context of a pending motion to dismiss for lack of personal jurisdiction, “courts are more inclined to stay discovery because it presents a critical preliminary question.” *Hologram USA, Inc. v. Pulse Evolution Corp.*, No. 2:14-CV-00772-GMN, 2015 WL 1600768, at *1 (D. Nev. Apr. 8, 2015) (quotations and citations omitted); *see also Edwards*, 2017 WL 1822572, at *1 (“Typical situations in which staying discovery pending a ruling on a dispositive motion are appropriate would be where the dispositive motion raises issues of jurisdiction, venue, or immunity”); *Turner Broadcasting System, Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997) (stating that common situations in which a court may determine that staying discovery is appropriate occur when dispositive motions raise issues of jurisdiction, venue, or immunity); *Liberty Media Holdings, LLC v. Letyagin*, 2012 WL 3135671, at *5 (D. Nev. Aug. 1, 2012) (“A defendant should not be required to engage in expensive and burdensome discovery in a court that has no jurisdiction over him.”); *Grand Canyon Skywalk Dev. LLC v. Steele*, No. 2:13-CV-00596-JAD, 2014 WL 60216, at *4 (D. Nev. Jan. 7, 2014) (Foley, J.) (“Motions to dismiss based on lack of personal or subject matter jurisdiction, or immunity from suit raise

1 issues that call for a different standard as to whether discovery should be stayed. A defendant
 2 should not be required to participate in burdensome and costly discovery in a forum that has no
 3 jurisdiction over him...”); *AMC Fabrication, Inc. v. KRD Trucking West, Inc.*, 2012 WL
 4 4846152, at *2 (D. Nev. Oct. 10, 2012) (a motion challenging personal jurisdiction strongly
 5 favors a stay);

6 12. Additionally, as noted in the submitted proposed scheduling plan, several other
 7 foreign defendants are being served with process in China (ECF No. 41) and a stay would allow
 8 more time to complete service of those defendants and have all the parties joined together to
 9 conduct discovery at the same time, rather than piecemeal;

10 13. Based on the foregoing reasons, the Parties believe a temporary stay of discovery
 11 until the Court resolves the pending Motion to Dismiss is warranted to resolve a preliminary
 12 issue of jurisdiction and as it is more just to accomplish the inexpensive determination of the
 13 case. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011) (setting forth
 14 standard to stay discovery pending dispositive motion);

15 14. Accordingly, the Parties request that the Court stay discovery pending ruling on
 16 the Motion to Dismiss.

17 **IT IS SO AGREED AND STIPULATED:**

18 LEWIS ROCA
 19 ROTHGERBER CHRISTIE LLP

SMITH WASHBURN, LLP

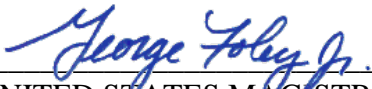
20 By: /s/ Meng Zhong
 21 Michael J. McCue
 22 Meng Zhong
 3993 Howard Hughes Parkway, Suite 600
 Las Vegas, NV 89169-5996
 E-mail: mmccue@lrrc.com
 E-mail: mzhong@lrrc.com

By: /s/ Jacob L. Fannesbeck
 Jacob L. Fannesbeck
 3960 Howard Hughes Pkwy., Suite 500
 Las Vegas, NV 89169
 E-mail: jfannesbeck@smithcorrell.com

23 *Attorneys for Defendant SuffessfulMatch.com*
 24 *and Jason Du*

Attorneys for Plaintiffs Reflex Media, Inc. and
Clover8 Investments Ptd. Ltd

25 **IT IS SO ORDERED:**

26 
 27 UNITED STATES MAGISTRATE JUDGE
 28 DATED: 10/02/2018